

Moved by Rusche

Seconded by Wood (27)

IN THE HOUSE OF REPRESENTATIVES
HOUSE AMENDMENT TO H.B. NO. 486, As Amended

AMENDMENT TO SECTION 1

On page 1 of the engrossed bill, delete lines 10 through 30, and insert:

"18-1524. USING TANNING BEDS OR SIMILAR DEVICES OR MACHINES BY MINORS.

(1) As used in this section:

(a) "Tanning device" means an ultraviolet tanning device.

(b) "Ultraviolet tanning device" means equipment that emits electromagnetic radiation with wavelengths in the air between two hundred (200) and four hundred (400) nanometers used for tanning of the skin including, but not limited to, a sunlamp, tanning booth or tanning bed.

(c) "Tanning device" and "ultraviolet tanning device" shall not include:

(i) Devices for personal use in a private residence; or

(ii) Devices used to apply chemicals to the skin to achieve a bronze color, commonly referred to as spray-on, mist-on or sunless tans.

(2) No person age fifteen (15) years or younger may use a tanning device or ultraviolet tanning device unless such use is authorized by prescription from a licensed medical provider to treat an underlying medical condition. Additionally, no person shall use a tanning device or ultraviolet tanning device on a person fifteen (15) years of age or younger unless medical consent via a prescription is provided.

(3) No person between sixteen (16) and eighteen (18) years of age may use a tanning device or ultraviolet tanning device unless such person's parent or legal guardian provides in-person consent or such person has authorization via prescription from a licensed medical provider to use a tanning device to treat an underlying medical condition. For purposes of this subsection, "consent" means that a parent or legal guardian of a person between sixteen (16) and eighteen (18) years of age appears in person at the time of such person's initial use of an ultraviolet tanning device and signs a written consent form in the presence of the owner or an employee of the tanning facility. The person's parent or legal guardian may withdraw consent at any time. Unless so withdrawn, consent shall be valid for twelve (12) months from the date the written consent form is signed and must be renewed annually in accordance with the provisions of this subsection. The written consent form required by this subsection shall state that the parent or legal guardian has read and understands the warnings given by the tanning facility, consents to the person's use of an ultraviolet tanning device and agrees that the person will use protective eyewear provided by the tanning facility. The written consent form described in this subsection shall be on paper with dimensions not less than eight and one-half (8.5) inches by eleven (11) inches and be clear, legible and include the following provisions:

1 (a) "DANGER -- ULTRAVIOLET RADIATION FROM TANNING DEVICES IS KNOWN TO
2 CAUSE CANCER IN HUMANS" in letters at least one-half (.5) of an inch high
3 within five (5) inches of, and on the same page as, the parent or legal
4 guardian's signature; and

5 (b) "Exposure to ultraviolet radiation may cause skin cancer, includ-
6 ing potentially fatal melanoma, as well as serious eye and skin injury
7 including, but not limited to, wrinkling, dryness, fragility and bruising
8 of the skin."

9 (4) Any person under the age of eighteen (18) years authorized to use
10 an ultraviolet tanning device pursuant to this section shall be limited to
11 no more than three (3) uses of ultraviolet tanning devices per week and not
12 more than one (1) use within a twenty-four (24) hour period, unless a parent
13 or legal guardian of such person provides for stricter limits by setting such
14 limits on the consent form required in subsection (3) of this section. The
15 parent or legal guardian of a person under the age of eighteen (18) years may
16 also limit the total number of uses of an ultraviolet tanning device for the
17 next ensuing twelve (12) month period by setting such limits on the consent
18 form.

19 (5) Proof of age shall be verified for any person under the age of eigh-
20 teen (18) years by the owner or employee of a tanning facility. Proof of age
21 shall be satisfied with government issued identification or a government is-
22 sued document containing the date of birth of the individual including, but
23 not limited to, a driver's license, passport or birth certificate.

24 (6) It shall be unlawful for a minor to provide false identification or
25 make any false statement regarding his age in an attempt to use an ultravio-
26 let tanning device.

27 (7) An owner or employee of a tanning facility shall not make verbal
28 claims or advertise or distribute promotional materials that claim in any
29 way that a tanning device is safe or free from risk.

30 (8) Any tanning facility with one (1) or more patrons under eighteen
31 (18) years of age shall post a warning sign in a place readily visible to per-
32 sons entering the establishment. The sign shall have dimensions not less
33 than eight and one-half (8.5) inches by eleven (11) inches. Lettering must
34 be clear and legible with the following provisions:

35 (a) "DANGER" in orange or red letters at least two (2) inches in height,
36 followed by "ULTRAVIOLET RADIATION FROM TANNING DEVICES IS KNOWN TO
37 CAUSE CANCER IN HUMANS" in letters at least sixty-six hundredths (.66)
38 of an inch in height; and

39 (b) "Exposure to ultraviolet radiation may cause skin cancer, includ-
40 ing potentially fatal melanoma, as well as serious eye and skin injury
41 including, but not limited to, wrinkling, dryness, fragility and bruising
42 of the skin." in letters at least one-quarter (.25) of an inch in
43 height.

44 The sign required pursuant to this subsection shall also be posted within
45 three (3) feet of each tanning device and in a location that is readily vis-
46 ible to a person about to use the device. The liability of a tanning facil-
47 ity owner or a manufacturer of an ultraviolet tanning device shall not be af-
48 fected by posting the signs described in this subsection.

49 (9) A person who violates this section is guilty of a misdemeanor and
50 shall be fined not more than one hundred dollars (\$100). If there is a subse-

1 quent violation of this section within one (1) year of the initial violation,
 2 such person shall be fined three hundred dollars (\$300). For all other sub-
 3 sequent violations, such person shall be fined not less than three hundred
 4 dollars (\$300) and not more than one thousand dollars (\$1,000). Provided
 5 however:

6 (a) An employee shall not be in violation of this section if such em-
 7 ployee, prior to allowing a minor to use an ultraviolet tanning device,
 8 requested, examined and reasonably relied upon identification from a
 9 minor falsely stating such minor's age as at least eighteen (18) years
 10 of age;

11 (b) No violation shall occur if valid parental consent is obtained and
 12 maintained on file as described in subsection (3) of this section; and

13 (c) An owner of a tanning facility shall not be in violation of this
 14 section if such owner can show that an employee believed to be in vio-
 15 lation was trained to understand the provisions of this section. Proof
 16 of training may be satisfied by a form to be kept on file by the owner,
 17 signed by the employee stating that the employee understands the age re-
 18 strictions in this section. If no such training is in place, the owner
 19 shall be fined in accordance with this subsection.

20 (10) Nothing in this section shall be construed to prohibit local units
 21 of government from passing ordinances which are more stringent than the pro-
 22 visions of this section."

23 CORRECTION TO TITLE

24 On page 1, in line 4, following "ON MINORS" delete ", TO" and insert:
 25 "FIFTEEN YEARS OF AGE OR YOUNGER, TO PROHIBIT THE USE OF A TANNING DEVICE OR
 26 ULTRAVIOLET TANNING DEVICE ON MINORS BETWEEN THE AGES OF SIXTEEN AND EIGH-
 27 TEEN, TO PROVIDE FOR EXCEPTIONS AND PARENTAL CONSENT, TO PROVIDE FOR LIMITS
 28 ON THE USE OF A TANNING DEVICE FOR A MINOR EXEMPT FROM THIS SECTION, TO PRO-
 29 VIDE FOR PROOF OF AGE VERIFICATION, TO PROHIBIT MINORS FROM PROVIDING FALSE
 30 INFORMATION, TO PROHIBIT AN OWNER OR EMPLOYEE FROM CLAIMING OR ADVERTISING
 31 THAT A TANNING DEVICE IS FREE FROM RISK, TO PROVIDE FOR WARNING SIGNS, TO PRO-
 32 VIDE FOR PENALTIES AND TO PROVIDE SCOPE FOR LOCAL GOVERNMENTS."; and delete
 33 line 5.